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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,105	12/02/2003	Chung-I Chang	BP3033-Y20-P2	2781

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EXAMINER

LUU, MATTHEW

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/725,105

Applicant(s)

CHANG ET AL.

Examiner

LUU MATTHEW

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

Page 1, line 17, " (or laboratory values(LAB values). " There is a parenthesis missing in this statement.

Page 2, line 1, "the XYZ valu" should be - - the XYZ values - -.

In claim 1, "color meter" should be - - colorimeter --.

In Fig. 1, "color meter" should be - - colorimeter --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 1, lines 3-4, "building a multimedia film for a screen to be measured; playing the multimedia film on the screen," it is not clear what exactly is "a multimedia film". It is not clear how exactly a user can "playing the multimedia film on the screen". Is it multimedia film is a filming movie that can be played on the screen?

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Does applicant means "displaying, placing, or position" the multimedia film on the screen?

Dependent claims 2-3 are considered rejected for incorporating the defect from their respective parent claims by dependency.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seegers et al (6,439,722) in view of Evanicky et al (US 2004/0036708) (hereinafter Evanicky).

Regarding claim 1, as best understood, Seegers et al disclose (Figs. 1, 3, and 4) a method for generating a color monitor profile for different operating systems (column 2, lines 5-10, the server-based system and the customer's system); comprising the steps of:

building a multimedia film (Fig. 4, films 40-70) for a screen to be measured (Fig. 3, screen 80);

playing or positioning the multimedia film (82) on the screen (80) (column 5, lines 43-54);

measuring the color values using the colorimeter to produce the color profiles of the monitors is also mentioned by Seegers et al (column 1, lines 32-37); and

a computer (Fig. 1, workstation 18) having a color management software (color matching process) so as to build a color monitor profile (Fig. 1, create monitor profile 22) for the computer (column 3, lines 4-14; and column 4, line 61 to column 5, line 5).

The only difference between the disclosure of Seegers et al and the claimed invention is that the claim 1 requires a colorimeter positioned near the display screen for measuring hues, gray levels, and color R, G, B values.

However, Evanicky discloses (Fig. 9, 14, and 15) a colorimeter (800a) positioned near the display screen (216) for measuring the gray levels and the color R,G,B values (Fig. 15). The output of the colorimeter (800a) is transferred to the computer (10) for building a color monitor profile. See page 9, section 84 to page 10, section 91.

Evanicky also mentions the using of screen-to-film color matching in the color profiling process (page 19, section 91, the last line).

It would have been obvious to a person of ordinary skill in the art to use the colorimeter for measuring the gray levels and the color R,G,B values for building a color monitor profile, as taught by Evanicky, into the color monitor profiling system of Seegers et al to provide a precise color calibration or color matching in a color monitor profiling system.

Regarding to the measuring the hues values, as defined in the Webster's New World Dictionary, Third College Edition, the word "colorimeter" means "an instrument for determining the intensity and hue of a color..." Thus, it would have been obvious that

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the colorimeter (800a) of Evanicky can measure the gray levels, the color R,G,B, and as well as the hues of the color values.

Regarding claim 2, Seegers et al discloses (Fig. 3) the screen (80) to be measured is any operating system currently used.

### ***Allowable Subject Matter***

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the prior art made of record teaches or suggests a method for generating a color monitor profile for different operating system, wherein the operating system of the computer (10) executing the color management software is different from that used to the screen (30) to be measured.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Nakabayashi et al (6,628,822) disclose (Fig. 2) the RGB data outputted by a transmission side CRT monitor 3 is converted by a profile P1 stored in a converter 11 into XYZ data, which is transmitted to a reception side having a converter 16 refers to a profile P4 to convert the XYZ data into RGB data which is outputted to a CRT monitor 4.

-Liang (5,579,031) discloses (Fig. 2) a colorimeter (36) is used to read the displayed patches on the first and second monitors (12) and (14).

-Murashita et al (6,734,869) disclose (Fig. 6) a color measuring device (115), which has a known construction for measuring a color displayed at various parts on the display screen (102a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (703) 305-4850. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BELLA MATTHEW can be reached on (703) 308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu



MATTHEW LUU  
PRIMARY EXAMINER